

**BOARD OF SUPERVISORS**

**MINUTES**

**October 12, 2005**

**Supervisors in Attendance:**

Mr. Edward B. Barber, Chairman  
Mr. R. M. "Dickie" King, Jr.,  
Vice Chairman  
Mrs. Renny Bush Humphrey  
Mr. Kelly E. Miller  
Mr. Arthur S. Warren  
  
Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Mr. J. Edward Beck, Asst.  
Dir., Utilities  
Dr. Billy Cannaday, Jr.,  
Supt., School Board  
Ms. Marilyn Cole, Asst.  
County Administrator  
Ms. Mary Ann Curtin, Dir.,  
Intergovtl. Relations  
Mr. Jonathan Davis,  
Real Estate Assessor  
Ms. Rebecca Dickson, Dir.,  
Budget and Management  
Mr. William Dupler,  
Building Official  
Mr. Robert Eanes, Asst. to  
the County Administrator  
Lt. Rick Eggleston,  
Sheriff's Office  
Ms. Lisa Elko, CMC,  
Clerk  
Ms. Kelly Fried, Strategic  
Mgr., Mental Health/Mental  
Retard./Substance Abuse  
Mr. Michael Golden, Dir.,  
Parks and Recreation  
Mr. Lawrence Haake, III,  
Registrar  
Mr. Bradford S. Hammer,  
Deputy Co. Admin.,  
Human Services  
Mr. John W. Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Mr. Donald Kappel, Dir.,  
Public Affairs  
Mr. Mike Likins,  
Coop. Extension Director  
Ms. Mary Lou Lyle, Dir.,  
Accounting  
Chief Paul Mauger,  
Fire and EMS Dept.  
Ms. Faith McClintic, Asst.  
Dir., Economic Development  
Mr. R. John McCracken,  
Dir., Transportation  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney  
Mr. Francis Pitaro, Dir.,  
General Services

Lt. Col. Andy Scruggs,  
Police Department  
Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. Thomas Taylor, Dir.,  
Block Grant Office  
Mr. Kirk Turner, Dir.,  
Planning

Mr. Barber called the regularly scheduled meeting to order at 4:15 p.m.

**1. APPROVAL OF MINUTES FOR SEPTEMBER 21, 2005**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the minutes of September 21, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**2. COUNTY ADMINISTRATOR'S COMMENTS**

**O FLEET MANAGEMENT DIVISION RECOGNITION**

Mr. Stegmaier stated the General Services' Fleet Management Division recently achieved the International Organization for Standardization (ISO) 14001 Certification, becoming only the second locality in the United States to achieve this prestigious honor. He introduced Mr. Robert Danhauser, Environmental Program Manager with American Quality Assessors International, who was present at the meeting to make a presentation to Fleet Management.

Mr. Danhauser provided details of the process through which the Fleet Management Division received their ISO 14001 certification. He congratulated the employees of Fleet Management on their outstanding achievement and presented the official ISO 14001 registration to the county's Automotive Fleet Manager, Mr. Robert Pratt, who was accompanied by members of the Fleet Management ISO 14001 Certification team.

Mr. Stegmaier recognized the remainder of the Fleet Management team who were present at the meeting, who all contributed to receipt of the certification.

**O CHESTERFIELD COUNTY'S RESPONSE TO HURRICANES KATRINA AND RITA**

Deputy Chiefs Frank Edwards and Jim Graham provided details of the county's response to Hurricanes Katrina and Rita.

Mr. Ramsey stated the county is very proud of its employees who traveled to Louisiana to respond to the disasters. He recognized members of the county's response team who were present at the meeting.

### **3. BOARD COMMITTEE REPORTS**

There were no Board committee reports at this time.

### **4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

On motion of Mr. King, seconded by Mr. Miller, the Board added Item 8.B.5.m., Request for Permission from Brandy Oaks Homeowners Association, Incorporated for Wooden Steps to Encroach Within a Sixteen-Foot Drainage Easement and a Wooden Footbridge to Encroach Within a Variable Width Drainage and Sewer Easement Across Lot 13, Brandy Oaks, Section 2; replaced Item 8.B.12., Initiation of an Application for Conditional Use to Permit a Wastewater Pump Station; added Item 8.B.13., Request to Amend the Parcel Listing for the Board of Supervisors Initiated Rezoning of the 288 Corridor to Add a Property Not Included in the Agenda Item of August 24, 2005; added Item 10.C., Closed Session Pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as Amended, for Consultation with Legal Counsel Pertaining to Legal Issues Related to the Proposed Powhite Parkway-Charter Colony Parkway Interchange Service District; replaced Item 15.K., Public Hearing to Consider the Exercise of Eminent Domain for the Acquisition of Offsite Easements for Hampton Farms Subdivision; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

### **5. RESOLUTIONS AND SPECIAL RECOGNITIONS**

#### **O RECOGNIZING OCTOBER 2005, AS "DOMESTIC VIOLENCE AWARENESS MONTH"**

Mr. Hammer introduced Ms. Patricia Jones-Turner, Chesterfield Domestic and Sexual Violence Resource Center Coordinator, and members of the Chesterfield County Domestic Violence Task Force, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, violence in the home continues as a major social problem affecting all members of the family and community and dramatically reduces the quality of life for many citizens; and

WHEREAS, we understand the problems of domestic violence occur among people of all ages and in families of all economic, racial, and social backgrounds; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and abuse; and

WHEREAS, the impact of domestic violence is wide ranging, directly affecting women, men and their children and our community as a whole; and

WHEREAS, Chesterfield County is committed to supporting the well being of families by advocating for intervention and prevention activities that decrease the incidents of domestic violence; and

WHEREAS, only a coordinated and integrated effort, which obtains a commitment from all elements of the community to share responsibility in the fight against domestic violence, will put an end to the horrific crime.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 12<sup>th</sup> day of October 2005 publicly recognizes October 2005, as "Domestic Violence Awareness Month" and urges all citizens to actively support the efforts of the Chesterfield County Domestic and Sexual Violence Resource Center, the Chesterfield Domestic Violence Task Force and our local domestic violence service providers in working towards the elimination of domestic violence in our community.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller presented English and Spanish versions of the executed resolution to members of the Domestic Violence Task Force and expressed appreciation for the efforts of domestic violence service providers towards eliminating domestic violence.

Ms. Jones-Turner thanked the Board for its continued support of the task force's efforts to eliminate domestic violence in the county. She provided information to enable the public to help victims of domestic violence, which was translated into Spanish by Mr. Daniel Gunn.

## **6. WORK SESSION**

### **O PROPOSED 2006 LEGISLATIVE PROGRAM**

Ms. Curtin presented a summary of the county's proposed 2006 legislative program. She reviewed Board priorities, including protection of cash proffer authority; protection of local government land use and zoning authority; protection of local revenues; promotion of county interests related to transportation proposals; prevention of state cost-shifting to localities; and opposition to additional state mandates. She then reviewed legislative requests, including potential legislation to implement the recommendations of House Joint Resolution 685, study of private youth group homes; potential legislation from the Growth Strategies Work Group; and amending the State Code to clarify provisions in the land use taxation program relative to when roll-back taxes are triggered when property is split off from the initial parcels in the existing program. She stated the proposed legislative program includes supporting legislation to reform how telecommunications taxes are imposed in the state. She further stated additional potential issues for the 2006 General Assembly include eminent domain legislation; cable franchise legislation; family court legislation; and Chesapeake Bay Clean-Up funding. She noted no action is proposed at this time for the additional potential issues, but staff will keep the Board informed if harmful legislation

is introduced on these issues during the course of the session. She reviewed the calendar of important dates related to the 2006 session.

Mr. Warren requested that Ms. Curtin provide details of how closely the county's legislative program is in harmony with the legislative programs of Virginia Association of Counties (VACo) and Virginia Municipal League (VML). He suggested that the county provide leadership by suggesting legislative items for both VACo and VML's programs.

Mr. Miller stated the Richmond Regional Planning District Commission recently adopted a resolution to strongly urge both the Virginia Department of Transportation (VDOT) and the General Assembly delegation not to shift road responsibilities from VDOT to localities, indicating that the county should include in its legislative program opposition to any shifting of road responsibilities from VDOT to localities.

Mr. Barber requested that Ms. Curtin study Henrico and Richmond's legislative programs for 2006 and determine areas in which the county may have common interests and can mutually support. He stated the county has already investigated an increase in the local sales tax to fund existing road needs, which was an option for funding of capital facilities provided by the Growth Strategies Work Group.

Mr. Ramsey stated the group suggested exploring with regional partners the potential for supporting a one-cent sales tax increase for transportation improvements, indicating that staff thought it would be important to speak with the county's legislative delegation prior to discussing this with the other localities. He further stated staff has found very little or no support among the legislative delegation members they have spoken with for a one-cent sales tax increase.

There was brief discussion relative to potential legislation to implement the recommendations of House Joint Resolution 685 relative to the study of private youth group homes.

Mr. Ramsey thanked Ms. Curtin for the informative presentation.

## **7. DEFERRED ITEMS**

There were no deferred items at this time.

## **8. NEW BUSINESS**

### **8.A. APPOINTMENTS**

On motion of Mr. Warren, seconded by Mr. Miller, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Health Center Commission, Board of Building Code Appeals, Central Virginia Waste Management Authority, Central Virginia Waste Management Authority Citizen Advisory Committee, Parks and Recreation Advisory Commission, and the GRTC Transit System Board of Directors.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.A.1. HEALTH CENTER COMMISSION**

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board simultaneously nominated/appointed Mr. James B. Cowan, representing the Matoaca District, to serve on the Health Center Commission, whose term is effective immediately and expires June 30, 2009.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.A.2. BOARD OF BUILDING CODE APPEALS**

Mr. Miller made a motion, seconded by Mr. Warren, for the Board to simultaneously nominate/appoint/reappoint Mr. Stephen H. Connor, Mr. James G. Kester, Mr. Ronald L. Dougherty and Mr. C. Brown Pearson, III, all representing the county at-large, to serve on the Board of Building Code Appeals.

Mr. Barber expressed concerns that Mr. Bob Olsen, who has been a member and served as chairman of the Board of Building Code Appeals for some time, is not on the slate for reappointment.

Mr. Dupler stated there are four vacancies on the board, and two members are being suggested for reappointment as well as two for new membership, noting that, after the Board did not accept staff's recommendation for nomination/reappointment of the four members, it was suggested that the two members with the longest length of service be rotated off and replaced. He stated county ordinances establish the number of members and specific criteria for the background of the members.

Discussion ensued relative to the distribution of members of the Board of Building Code Appeals, according to the districts in which they reside.

Mr. Barber expressed concerns relative to not appointing a long-serving person who has expressed an interest in continuing to serve.

Mr. Barber then called for a vote on the motion of Mr. Miller, seconded by Mr. Warren, for the Board to simultaneously nominate/appoint/reappoint Mr. Stephen H. Connor, Mr. James G. Kester, Mr. Ronald L. Dougherty and Mr. C. Brown Pearson, III, all representing the county at-large, to serve on the Board of Building Code Appeals, whose terms are effective immediately and expire October 30, 2008.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Abstain: Barber.

**8.A.3. THE CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY AND  
THE CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY  
CITIZEN ADVISORY COMMITTEE**

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board simultaneously nominated/appointed Mr. Barry Matthews to serve as an alternate member of the Central Virginia Waste

Management Authority and to serve as a member of the Central Virginia Waste Management Authority Citizen Advisory Committee, with terms effective immediately and expiring December 31, 2007.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

#### **8.A.4. PARKS AND RECREATION ADVISORY COMMISSION**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. Will Shewmake, representing the Midlothian District, to serve on the Parks and Recreation Advisory Commission, whose term is effective immediately and expires December 31, 2007.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

#### **8.A.5. GRTC TRANSIT SYSTEM BOARD OF DIRECTORS**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. David W. Mathews, Mr. Daniel K. Smith and Mr. S. Joseph Ward, representing the county at-large, to serve as directors to the GRTC Transit System Board of Directors, with terms effective October 19, 2005 and expiring October 18, 2006.

And, further, the Board authorized the County Administrator or his designee to appear at the October 19, 2005 GRTC annual meeting to vote for the directors appointed by the Board and by Richmond City Council.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

#### **8.B. CONSENT ITEMS**

##### **8.B.1. ADOPTION OF RESOLUTIONS**

##### **8.B.1.a. RECOGNIZING OCTOBER 2005, AS "WORKFORCE DEVELOPMENT MONTH"**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Capital Area's economy is increasingly dependent on a skilled and trained workforce to support economic growth and expansion; and

WHEREAS, successful businesses in today's global economy require that both workers and businesses engage in continuous learning to meet the demand driven needs of business; and

WHEREAS, the coordination of workforce preparation, labor market information and economic development is essential to the economic well-being of the Capital Area; and

WHEREAS, the Capital Area Policy Board, the Capital Area Workforce Investment Board, and the Capital Area Workforce

Centers, and other Workforce Development agencies are responsible for engaging the business community in defining their needs to ensure that the coordination of workforce preparation, labor market information and economic development are demand driven resulting in an increase in the pool of workers with the skills needed to retain the region's competitive advantage; and

WHEREAS, the Capital Area has joined with other communities across the Commonwealth of Virginia as members of the Virginia Workforce Network, to enhance Virginia's ability to compete nationally and internationally by assisting employers in recruiting, retaining and improving the performance of all workers; and

WHEREAS, Chesterfield County recognizes that a skilled and flexible workforce is a key to business performance in the global economy and the Capital Area's competitive advantage.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes October 2005, as "Workforce Development Month" and encourages county businesses to offer continuous learning opportunities for the development of their workers.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.1.b. RECOGNIZING BATTALION CHIEF DON R. BOWMAN,  
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES  
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Battalion Chief Don R. Bowman retired from the Chesterfield County Fire and Emergency Medical Services Department on September 1, 2005; and

WHEREAS, Battalion Chief Bowman served as a volunteer firefighter at the Manchester Volunteer Fire Department from 1971 through 1978; and

WHEREAS, Battalion Chief Bowman completed Recruit School #5 in 1975 and has faithfully served the county for over 30 years in various assignments while holding the ranks of firefighter, sergeant, and lieutenant at Manchester Fire Station #2; Bon Air Fire Station #4; Chester Fire Station #1; Dale Fire Station #11; and Dutch Gap Fire Station #14; and

WHEREAS, Battalion Chief Bowman served in the Technical Services Unit as a firefighter and as the sergeant of that unit as well as a sergeant in Fire Investigations and Inspections; and

WHEREAS, Battalion Chief Bowman served in many other positions within the department while holding the ranks of captain and battalion chief, including Fire Training Officer; Manager of Fire and EMS Communications; Fire Logistics Captain; Battalion Chief in charge of Maintenance and Logistics; Operational Battalion Chief in the southern,



northern and western divisions; Interim Director of the Emergency Communications Center; and Battalion Chief in charge of Special Projects; and

WHEREAS, Battalion Chief Bowman served the department on several teams, committees, councils and project groups, including the Fire and EMS Haz-Mat and SCUBA Rescue Teams; Fire and EMS Strategic Planning Committee and Quality Council; EMS Advisory Council; Chairman of the Crater Regional Public Safety Communications Committee Project; Chairman of the Capital Regional Public Safety Communications Committee; Chesterfield Public Safety Communications Project Team for the design, procurement, and implementation of a Regional Public Safety Communications System; and the Chesterfield Public Safety Mobile Data Communications System Project Team for the design and procurement of mobile data computers, computer aided dispatch, fire records management, computer mapping, and integration of all systems; and

WHEREAS, Battalion Chief Bowman has readily responded to every need of the Fire Department within his capability and has earned the respect and admiration of the entire department through his dedication to public service, his willingness to work long hours without complaint, and his creativity in performing a variety of jobs.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Battalion Chief Don R. Bowman, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.1.c. RECOGNIZING LIEUTENANT FRANK D. MARSEE, JR.,  
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES  
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Lieutenant Frank D. Marsee, Jr. retired from the Chesterfield Fire and Emergency Medical Services Department, Chesterfield County, on August 1, 2005; and

WHEREAS, Lieutenant Marsee attended Recruit School #11 in 1981 and has faithfully served the county for twenty-four years in various assignments as a Firefighter at the Ettrick, Dale and Wagstaff Fire Stations; as a Sergeant at the Clover Hill and Manchester Fire Stations; and as a Lieutenant at the Clover Hill, Buford Road and Ettrick Fire Stations; and

WHEREAS, Lieutenant Marsee was selected as one of the first Tactical Safety Officers (TSO) for Chesterfield Fire and EMS, and performed those duties in an exemplary manner which established the model for future TSO's to emulate; and

WHEREAS, Lieutenant Marsee received a Life Save Award for his actions on August 30, 2004 during the successful

water rescue of three citizens from a swollen creek off Turner Road as a result of Tropical Storm Gaston; and

WHEREAS, Lieutenant Marsee received a Unit Citation for his actions on April 13, 2003 during the rescue of four teenagers from the Appomattox River.

NOW, THEREFORE BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Lieutenant Frank D. Marsee, expresses the appreciation of all residents for his service to Chesterfield County, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.1.d. RECOGNIZING MR. ELLIOTT N. THWEATT JR., RADIO SHOP DIVISION, GENERAL SERVICES DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Mr. Elliott N. Thweatt Jr. retired on October 1, 2005 after providing twenty-one years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Mr. Thweatt began his service September 10, 1984 as a Radio Installation Technician, in the Department of General Services, Radio Shop Division, where it was a two-man operation; and

WHEREAS, Mr. Thweatt has seen the county's radio system grow from two towers to ten towers and from two technicians to fourteen; and

WHEREAS, Mr. Thweatt was instrumental in the installation of the regionally integrated 800 Megahertz (MHz) Trunking Radio System in conjunction with Richmond and Henrico County; and

WHEREAS, Mr. Thweatt oversaw the installation of the vehicular components of the county's Mobile Data System providing instant access to information for Police and Fire personnel; and

WHEREAS, Mr. Thweatt was selected as the Department of General Services' Employee of the Year for the year 2000, based on his performance of duty, the superb efficiency demonstrated, his technical expertise and his contribution to maintaining the 800 MHz communications system; and

WHEREAS, Mr. Thweatt always performed his duties and responsibilities in a professional manner and placed the welfare and safety of citizens and fellow county employees above his own personal comfort and feelings and will be missed by his fellow co-workers and customers.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mr. Elliott N. Thweatt Jr. and extends appreciation for his twenty-one years of

dedicated service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.2. APPROPRIATION OF FUNDS TO REPLACE THE GEOGRAPHIC INFORMATION SERVICES SERVER**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board appropriated \$150,000 from the Geographic Information Services (GIS) Reserve Account to purchase a replacement GIS server.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.3. SET DATES FOR PUBLIC HEARINGS**

**8.B.3.a. TO CONSIDER AMENDING CHAPTER 10 OF THE COUNTY CODE RELATING TO FIRE PROTECTION**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of November 9, 2005 at 7:00 p.m. for a public hearing for the Board to consider amendments to Chapter 10 of the County Code relating to fire protection.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.3.b. TO CONSIDER THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) THROUGH THE HAZARD MITIGATION GRANT PROGRAM (HMGP) TO PURCHASE UP TO FOUR HOUSES LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN ON HUDSWELL LANE**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of November 9, 2005 at 7:00 p.m. for a public hearing for the Board to consider the receipt and appropriation of \$769,589 in federal and state grant funds from the Federal Emergency Management Agency through the Hazard Mitigation Grant Program and the receipt and appropriation of \$39,618 from the owners of the subject properties to satisfy the local match requirement of the grant.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.4. APPROVAL OF SEWER CONTRACT FOR THE GENITO LANE SEWER EXTENSION PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the following sewer contract for 10517 Genito Lane Sewer Extension, Contract Number 05-0201, which includes 108 L.F. ± of eight-inch sewer line work and 10 L.F. ± of additional six-inch sewer line:

Developer: Stuart G. Merting

Contractor: M. W. Wood, Inc.

Contract Amount:

Estimated County Cost for Additional Work. . . \$185.00  
Estimated County Cost for Off-Site . . . . . \$1,611.50  
Estimated Developer Cost . . . . . \$15,703.50  
Estimated Total. . . . . \$17,500.00

Code: Refunds thru connections - Off-Site 5N-572VO-E4D  
Cash Refund - Additional Work 5N-572WO-E4C

District: Bermuda

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5. REQUESTS FOR PERMISSION**

**8.B.5.a. FROM MIKE R. ZACHARIAS TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON MONATH ROAD**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Mike R. Zacharias for permission to install a private water service within a private easement to serve property at 321 Monath Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.b. FROM DAMON L. AND ESTELA CANNADY FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 5, RUTHERFORD VILLAGE AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Damon L. Cannady and Estela Cannady for a proposed fence to encroach within an eight-foot easement across Lot 5, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.c. FROM LAWRENCE KENT AND PATRICIA ANN MURPHY CLARK FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 10, TANNER VILLAGE, SECTION C AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Lawrence Kent Clark and Patricia Ann

Murphy Clark for permission for a proposed fence to encroach within an eight-foot easement across Lot 10, Tanner Village, Section C at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.5.d. FROM MICHAEL E. AND MICHELLE P. GALLO FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 28, TANNER VILLAGE, SECTION A AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Michael E. Gallo and Michelle P. Gallo for permission for a proposed fence to encroach within an eight-foot easement across Lot 28, Tanner Village, Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.5.e. FROM KEVIN W. AND BRIDGET M. HAZEL FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 34, RUTHERFORD VILLAGE AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Kevin W. Hazel and Bridget M. Hazel for permission for a proposed fence to encroach within an eight-foot easement across Lot 34, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.5.f. FROM WILLIAM J. LAHEY AND GUTHRIE S. PACA FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 3, RUTHERFORD VILLAGE AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from William J. Lahey and Guthrie S. Paca for permission for a proposed fence to encroach within an eight-foot easement across Lot 3, Rutherford Village at Charter Colony. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.5.g. FROM R. S. HULBERT BUILDERS, INCORPORATED FOR A PROPOSED DECK TO ENCROACH WITHIN AN EIGHT-FOOT DRAINAGE EASEMENT ACROSS LOT 63, EDGEWATER AT THE RESERVOIR**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from R. S. Hulbert Builders, Incorporated for permission for a proposed deck to encroach within an eight-foot drainage easement across Lot 63, Edgewater At The Reservoir, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.h. FROM RICHARD D. AND DENISE M. RANALLO FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 9, RUTHERFORD VILLAGE AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Richard D. Ranallo and Denise M. Ranallo for permission for a proposed fence to encroach within an eight-foot easement across Lot 9, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.i. FROM STERN HOMES INCORPORATED FOR PROPOSED FENCES TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT AND AN EIGHT-FOOT EASEMENT ACROSS LOTS IN RUTHERFORD VILLAGE AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Stern Homes Incorporated for permission for proposed fences to encroach within a 16-foot drainage easement and an eight-foot easement across lots in Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.j. FROM VERONICA TAYLOR FOR A PROPOSED DECK TO ENCROACH WITHIN A VARIABLE WIDTH DRAINAGE EASEMENT ACROSS LOT 44, BLOCK F, FAIRPINES, SECTION 5**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Veronica Taylor for permission for a proposed deck to encroach within a variable width drainage easement across Lot 44, Block F, Fairpines, Section 5, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.k. FROM JEFFREY W. AND ELENA B. THEOBALD FOR A  
PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT  
EASEMENT ACROSS LOT 33, RUTHERFORD VILLAGE AT  
CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Jeffrey W. Theobald and Elena B. Theobald for permission for a proposed fence to encroach within an eight-foot easement across Lot 33, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.l. FROM GILBERT THOMAS AND ANNE HAYWOOD WEEKS FOR A  
PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT  
EASEMENT ACROSS LOT 4, RUTHERFORD VILLAGE AT  
CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Gilbert Thomas Weeks and Anne Haywood Weeks for permission for a proposed fence to encroach within an eight-foot easement across Lot 4, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.5.m. FROM BRANDY OAKS HOMEOWNERS ASSOCIATION,  
INCORPORATED FOR WOODEN STEPS TO ENCROACH WITHIN  
A SIXTEEN-FOOT DRAINAGE EASEMENT AND A WOODEN  
FOOTBRIDGE TO ENCROACH WITHIN A VARIABLE WIDTH  
DRAINAGE AND SEWER EASEMENT ACROSS LOT 13, BRANDY  
OAKS, SECTION 2**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Brandy Oaks Homeowners Association, Incorporated for wooden steps to encroach within a 16-foot drainage easement and a wooden footbridge to encroach within a variable width drainage and sewer easement across Lot 13, Brandy Oaks, Section 2.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.6. CONVEYANCE OF EASEMENTS**

**8.B.6.a. TO VIRGINIA ELECTRIC AND POWER COMPANY FOR  
UNDERGROUND CABLE TO SERVE THE NEW COMMUNITY  
DEVELOPMENT BUILDING**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to

serve the new Community Development Building. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.6.b. TO VERIZON VIRGINIA INCORPORATED TO INSTALL UNDERGROUND CABLE ACROSS COUNTY PROPERTY TO SERVE THE NEW COSBY ROAD HIGH SCHOOL**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Verizon Virginia Incorporated to install underground cable across county property to serve the new Cosby Road High School. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.7. ACCEPTANCE OF PARCELS OF LAND**

**8.B.7.a. ALONG THE WEST RIGHT OF WAY LINE OF COALFIELD ROAD FROM THE TRUSTEES OF GRACE BIBLE CHURCH**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.184 acres along the west right of way line of Coalfield Road (State Route 754) from the Trustees of Grace Bible Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.7.b. ALONG THE NORTH RIGHT OF WAY LINE OF ROBIOUS ROAD FROM VILLAGE BANK FORMERLY KNOWN AS SOUTHERN COMMUNITY BANK AND TRUST**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.033 acres along the north right of way line of Robious Road (State Route 675) from Village Bank formerly known as Southern Community Bank and Trust, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.8. ESTABLISH A PETTY CASH FUND IN THE NAME OF MS. VICKI H. FOUTZ OF THE POLICE DEPARTMENT**

After brief discussion, on motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a \$2,000 petty cash fund in the name of Vicki H. Foutz of the Police Department.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.



**8.B.9. AWARD OF CONTRACT FOR ON-CALL ENGINEERING SERVICES TO MEET THE ENGINEERING NEEDS OF THE TRANSPORTATION DEPARTMENT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board awarded an on-call engineering services contract to meet the engineering needs of the Transportation Department.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.10. APPROVAL OF A CHANGE ORDER TO DANIEL AND COMPANY, INCORPORATED CONTRACTORS FOR ROAD AND PARKING IMPROVEMENTS NEAR THE CHESTERFIELD COUNTY ANIMAL SHELTER AND THE NEW POLICE EVIDENCE BUILDING**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the County Administrator to execute a change order to Daniel and Company, Incorporated Contractors in the amount of \$86,022 for road and parking improvements near the Chesterfield County Animal Shelter and the new Police Evidence Building.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.11. APPROPRIATION OF ROAD CASH PROFFER FUNDS FOR THE DESIGN, RIGHT OF WAY ACQUISITION AND CONSTRUCTION FOR THE GENITO ROAD SHOULDER AND GENITO ROAD/ OTTERDALE ROAD INTERSECTION IMPROVEMENT PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board appropriated \$208,000 from Traffic Shed 6 road cash proffers for the Genito Road Shoulder and Genito Road/Otterdale Road Intersection Project; authorized the County Administrator to enter into the necessary design, right-of-way acquisition, environmental, and or construction agreements acceptable to the County Attorney for the project; and authorized the advertisement of an eminent domain public hearing, if necessary, to acquire the necessary right-of-way.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.12. INITIATION OF AN APPLICATION FOR CONDITIONAL USE TO PERMIT A WASTEWATER PUMP STATION**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board initiated an application for conditional use to permit a wastewater pump station on property at 2301 Arrowfield Road, PIN: 803629370500000, 2106 Arrowfield Road, PIN: 803629323200000 and access road across 2101 Pine Forest Drive, PIN: 803630912200000, 2107 Pine Forest Drive, PIN: 802630516000000, and 2109 Pine Forest Drive, PIN: 802630885900000, and appointed Mr. John Harmon, County Right of Way Manager, as the Board's agent. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.13. REQUEST TO AMEND THE PARCEL LISTING FOR THE BOARD OF SUPERVISORS INITIATED REZONING OF THE 288 CORRIDOR TO ADD A PROPERTY NOT INCLUDED IN THE AGENDA ITEM OF AUGUST 24, 2005**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board amended the parcel listing for the Board of Supervisors initiated rezoning of the 288 Corridor by adding the following parcel: Tax ID number: 712-712-2923.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

The following item was removed from the Consent Agenda for Board discussion:

**8.B.1.e. PETITIONING THE GOVERNOR TO DECLARE CHESTERFIELD COUNTY AN AGRICULTURAL DROUGHT DISASTER DUE TO THE DROUGHT**

Mr. Likins provided data relative to average rainfall and the departure from normal rainfall in the county. He then reviewed 2005 agricultural losses as of September 28, 2005, and stated the Board is being requested to petition the Governor to declare the county an agricultural disaster area so that if state or federal funds become available, our farmers will have eligibility.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Chesterfield County has received only 66% of normal rainfall since June 5; and

WHEREAS, Chesterfield County has received only 4.1 inches of rainfall in the last 60 days; and

WHEREAS, September 2005 has been the driest September on record for central Virginia; and

WHEREAS, September 2005 ranks as the sixth warmest September on record in the region; and

WHEREAS, Chesterfield County has approximately 11,690 acres of agricultural crops that have been severely damaged by droughty conditions; and

WHEREAS, the current estimate of losses to Chesterfield County farmers is approximately \$815,396.

NOW, THEREFORE, BE IT THEREFORE RESOLVED, that the Board of Supervisors respectfully requests that Mark R. Warner, Governor of the Commonwealth of Virginia declare Chesterfield County an agricultural disaster area, thereby qualifying Chesterfield County producers for any state and federal assistance that may become available.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS**

There were no hearings of citizens on unscheduled matters or claims at this time.

**10. REPORTS**

**10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS**

**10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES**

On motion of Mr. Miller, seconded by Mr. King, the Board accepted a Report on Developer Water and Sewer Contracts and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**10.C. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO LEGAL ISSUES RELATED TO THE PROPOSED POWHITE PARKWAY-CHARTER COLONY PARKWAY INTERCHANGE SERVICE DISTRICT**

On motion of Mr. Miller, seconded by Mr. King, the Board went into a Closed Session pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for consultation with legal counsel pertaining to legal issues related to the proposed Powhite Parkway-Charter Colony Parkway Interchange Service District.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.  
Mr. Miller: Aye.  
Mrs. Humphrey: Aye.  
Mr. King: Aye.  
Mr. Barber: Aye.

#### **11. DINNER**

On motion of Mr. Barber, seconded by Mr. King, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

Reconvening:

#### **12. INVOCATION**

Associate Pastor David Simpson, Salem Baptist Church, gave the invocation.

#### **13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Eagle Scout Philip Scates led the Pledge of Allegiance to the flag of the United States of America.

Mr. Barber informed members of the audience that staff is recommending a deferral of the public hearing to consider adoption of an ordinance creating the Powhite Parkway-Charter Colony Parkway Interchange Service District to study the issue more thoroughly, indicating that members of the audience would only be allowed to speak to the deferral. He also provided clarification relative to the public hearing to consider adoption of the FY2006 maximum per dwelling unit cash proffer amount, indicating that cash proffers are fees charged to builders at the time of issuance of building permits by the county, and the public hearing has nothing to do with the county's property tax rate.

#### **14. RESOLUTIONS AND SPECIAL RECOGNITIONS**

##### **14.A. RECOGNIZING "CHRISTMAS MOTHER DAY" IN CHESTERFIELD COUNTY**

Mr. Hammer introduced Ms. Pat Merson, Christmas Mother for 2005, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, most families in Chesterfield County enjoy peace and happiness during the Christmas holidays; and

WHEREAS, there are many, including children, the elderly and the less fortunate, who do not have the means to enjoy this special time of year; and

WHEREAS, the Chesterfield/Colonial Heights Christmas Committee has successfully provided food, gifts, and clothing to many of our citizens in the past; and

WHEREAS, Mrs. Pat Merson has been elected Christmas Mother for 2005 and requests support of all the citizens of the county to ensure that those less fortunate may enjoy this special season of the year.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors publicly recognizes October 11, 2005, as "Christmas Mother Day" and urges all citizens of Chesterfield County to support this worthy endeavor.

AND, BE IT FURTHER RESOLVED that the Board of Supervisors publicly commends the Christmas Committee for its very successful efforts in past years and extends best wishes for a successful 2005 season.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Merson, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. King presented the executed resolution and a contribution, on behalf of the county, to Mrs. Merson, accompanied by Mrs. Anne Kalenjian, Chairperson of the Christmas Committee, and wished her well in her endeavors as this year's Christmas Mother.

Mrs. Merson expressed appreciation to the Board for its generous support of the Christmas Mother Program.

Mrs. Kalenjian expressed appreciation to the Board and also to county residents for their continued support of the Christmas Mother Program.

**14.B. RECOGNIZING MR. PHILIP SCATES UPON ATTAINING THE RANK OF EAGLE SCOUT**

Mr. Hammer introduced Mr. Philip Scates, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Philip Bryant Scates, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Philip has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 12<sup>th</sup> day of October 2005, publicly recognizes Mr. Philip Bryant Scates, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as its citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Scates, accompanied by his mother, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Scates expressed appreciation to the Board for the recognition and also to Boy Scouts of America, members of his troop, and his parents for their support.

## **15. PUBLIC HEARINGS**

### **15.A. TO CONSIDER AN ORDINANCE TO VACATE BELLE PARK SUBDIVISION AND LOTS 3 THROUGH 6 AND A PORTION OF A SIXTEEN-FOOT UNIMPROVED RIGHT OF WAY WITHIN PART OF THE OLD CHALKLEY FARM SUBDIVISION**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate Belle Park Subdivision and Lots 3 through 6 and a portion of a 16-foot unimproved right of way within part of The Old Chalkley Farm Subdivision.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

In response to Mr. Miller's question, Mr. Harmon stated the property will be re-subdivided and revert to the underlying property owners.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to L. CLARKE JONES, JR., FRANKLIN D. ROBINS, and VIRGINIA ANNE JONES DOBBINS, ("GRANTEE"), Belle Park Subdivision, DALE Magisterial District, Chesterfield County, Virginia, as shown on plats thereof duly recorded in the Clerk's Office, Circuit Court, Chesterfield County, Virginia in Plat Book 9, at Pages 70 and 71; and a portion of Subdivision of Part of The Old Chalkley Farm, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the aforesaid Clerk's Office in Plat Book 3, at Page 138.

WHEREAS, L. CLARKE JONES, JR., FRANKLIN D. ROBINS, and VIRGINIA ANNE JONES DOBBINS, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate Belle Park Subdivision, DALE Magisterial District, Chesterfield County, Virginia, as shown on plats thereof duly recorded in the Clerk's Office, Circuit Court, Chesterfield County, Virginia in Plat Book 9, at Pages 70 and 71; and a portion of Subdivision of Part of The Old Chalkley Farm, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the aforesaid Clerk's Office in Plat Book 3, at Page 138. The portions of subdivisions petitioned to be vacated are more fully described as follows:

Belle Park Subdivision, DALE Magisterial District, Chesterfield County, Virginia, as shown on plats by ERNEST W. BROOKS, dated JULY 2, 1955, and recorded AUGUST 11, 1955, in the Clerk's Office, Circuit Court, Chesterfield County, Virginia, in Plat Book 9, at Pages 70 and 71, and Lots 3 through 6 and portion of a 16' unimproved right of way within Subdivision of Part of The Old Chalkley Farm, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat by W. B. MUHARTY, dated FEBURARY 1917, and recorded APRIL 20, 1917, in the aforesaid Clerk's Office, in Plat Book 3, at Page 138.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portions of subdivisions easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portions of subdivisions are hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance,

shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plats vacated. This Ordinance shall vest fee simple title of the portions of subdivisions hereby vacated in the underlying property owners free and clear of any rights of public use, subject to providing public right of way for access to all parcels created by this vacation.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and L. CLARKE JONES, JR., FRANKLIN D. ROBINS, and VIRGINIA ANNE JONES DOBBINS, or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**15.B. TO CONSIDER THE LEASING OF COUNTY PROPERTY AT THE NORTHERN AREA TRANSFER STATION**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider the leasing of county property at the Northern Area Transfer Station.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved the leasing of county property at the Northern Area Transfer Station Tower to Clearwire, LLC.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**15.C. TO CONSIDER AMENDMENTS TO SECTIONS 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108, 19-124, 19-301, AND 19-510 OF THE COUNTY CODE RELATING TO HOME OCCUPATIONS**

Mr. Mike Janosik, Zoning Administrator stated this date and time has been advertised for a public hearing for the Board to consider amendments to the County Code relating to home occupations and parking requirements. He further stated the Planning Commission and staff recommend approval.

Mr. Miller stated home occupations are currently identified as accessory uses, and inquired about the net affect of making them restricted uses.

Mr. Janosik stated certain home occupation uses will be allowed by right in Residential Districts if specified restrictions are met, or residents could apply for a conditional use to permit a specific use in a Residential District.



In response to Mr. Miller's question, Mr. Janosik stated the proposed amendments will make the home occupations ordinance more restrictive.

Mr. Miller expressed concerns regarding the conflicting language in the agenda item and Section 19-65(e)(2) of the proposed ordinance relative to permitting non-family member employees of home occupations. He stated he understands staff's desire for flexibility in interpreting the ordinance, but expressed concerns relative to the subjective language in the list of home occupations that will not be allowed. He further stated he has a problem with the Planning Commission's recommendation to allow tow trucks to park in Residential Districts.

Mrs. Humphrey expressed concerns relative to not allowing more than one home occupation in a single dwelling unit, indicating that there are many county residents with two home occupations in the same household.

Mr. Janosik stated multiple home occupations are currently allowed within a single dwelling unit; however, in order to minimize the impact of home occupations on the neighborhood, staff is requesting that the Board limit the number of home occupations allowed in a single dwelling unit to one. He further stated residents could apply for a conditional use to allow a second home occupation in the same dwelling unit.

Mr. Barber called for public comment.

Ms. Brenda Stewart expressed concerns relative to severe restrictions on home occupations; not permitting employees other than family members; and not allowing more than one client at a time.

Mr. Eddie Parker expressed concerns that some service providers, such as heating and air conditioning technicians, are on call 24 hours a day, and would need quick access to their vehicles.

Discussion ensued relative to the vehicles that would be permitted with the proposed truck parking restrictions in residential districts.

Mr. Janosik stated commercial vehicles exceeding 6,000 pounds or having more than two axles would not be allowed to park in Residential Districts.

Mr. Parker expressed concerns that some commercial vans will exceed 6,000 pounds when filled with equipment, and this restriction will affect residents' livelihoods.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mr. Miller stated people purchase homes in subdivisions to secure themselves from commercialism. He further stated he has received a number of complaints regarding the parking of commercial vehicles in residential areas. He stated the idea to allow unlimited use of one's property for commercial purposes is the antithesis of why there are subdivision restrictions in subdivisions. He further stated, over the years, the county has attempted to balance the rights of

those who wish to pursue home occupations while protecting the integrity of residential areas. He further stated he is prepared to support the ordinance amendments with the exception of not allowing the parking of tow trucks, as well as school buses.

Mrs. Humphrey expressed concerns relative to restricting home occupation uses in Agricultural Districts, indicating that she is willing to support Mr. Miller's recommendation with the exclusion of Agricultural Districts.

Mr. Turner stated there is an exemption for farm operations as far as parking is concerned.

In response to Mr. Warren's question, Mr. Janosik stated people who come to residences to provide services, such as housecleaning and lawn care, are not restricted because they are not considered home occupations.

Mr. Warren expressed concerns that small businessmen, such as electricians and plumbers, would need immediate access to their work vehicles to respond to emergencies.

Mrs. Humphrey stated, as businesses grow, many small businessmen purchase agricultural property and leave residential areas. She again expressed concerns relative to restricting home occupation uses in Agricultural Districts.

Mr. Miller stated the proposed ordinance amendments will help to preserve the integrity of single-family dwellings in residential districts. He further stated he does not believe it is an imposition for business to be conducted where business is permitted. He stated tow truck drivers can park their vehicles in commercial areas or at their business locations, and he does not believe it is an imposition to require school bus drivers to park the buses at schools. He further stated he is prepared to support the ordinance amendments, with the exception of prohibiting school buses from parking in Residential Districts.

Mr. Miller then made a motion, seconded by Mr. Barber, for the Board to adopt the ordinance amendments relating to home occupations.

Mr. King stated he is an advocate for business and he agrees with Mr. Miller as far as protecting the integrity of residential neighborhoods. He noted that a representative from the Chesterfield Chamber of Commerce is present at the meeting and did not take a position on the ordinance amendments; therefore, he will support the motion.

Discussion ensued relative to the types of vehicles that would be restricted under the proposed ordinance.

Board members expressed concerns relative to certain vehicles that would be restricted because of their weight.

Mr. Miller amended his motion to adopt the proposed ordinance amendments, and change Section 19-65(7)(f) from 6,000 to 10,000 pounds.

Mr. Barber accepted Mr. Miller's amendment.

Mr. Barber stated the schools have indicated that finding and keeping bus drivers is difficult, and one of the advantages of the job is being able to park their buses nearby. He inquired whether Mr. Miller would consider the Planning Commission's recommendation to exempt school buses from the parking restrictions.

Mr. Miller stated he has had complaints about school buses, including aesthetics and sound. He further stated he does not believe it is a severe imposition to require school bus drivers to park their buses at schools.

Mrs. Humphrey stated she has great concerns about the encompassing of Agricultural Districts in the ordinance. She further stated she can support the motion if Agricultural property is excluded.

Mr. Miller inquired whether there is grandfather protection for existing businesses.

Mr. Janosik stated if the businesses were legally sited on the property and have existed continuously for two years, they may continue.

Discussion ensued relative to determination of whether home businesses were legally sited and enforcement of illegal home businesses.

Mr. Miller inquired whether grandfathering would apply to school bus parking.

Mr. Micas stated the grandfathering would apply to home occupations, but he is unsure whether it would apply to the parking issue.

Discussion ensued relative to eliminating agricultural property from the ordinance amendments and exemption of school buses from parking restrictions.

Mr. Miller presented a scenario whereby a businessman removed his truck from a residential area and purchased agricultural property for the express purpose of legally parking his vehicle. He expressed concerns that the proposed ordinance amendments would now make the parking of this truck illegal.

Mr. Miller then withdrew his motion to adopt the ordinance amendments relating to home occupations.

Mr. Barber concurred with the withdrawal.

Mr. Miller then made a motion, seconded by Mr. King, for the Board to defer consideration of the ordinance amendments relating to home occupations until December 14, 2005.

Mr. Miller requested that staff investigate the scenario he presented regarding truck parking on agricultural property and see what the alternatives may be, and to investigate more thoroughly the legal ramifications of grandfathering of the parking restrictions.

Mr. Barber clarified that the public hearing has been closed.

Mr. Barber called for a vote on the motion of Mr. Miller, seconded by Mr. King, for the Board to defer consideration of the ordinance amendments relating to home occupations until December 14, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

Mr. Miller excused himself from the meeting.

**15.D. TO CONSIDER FY2007 ENHANCEMENT PROJECTS**

Mr. McCracken stated this date and time has been advertised for a public hearing for the Board to consider FY2007 Enhancement Projects.

In response to Mr. Warren's question, Mr. McCracken stated the Genito Road Streetlight Project was developed with the Brandermill Community Association to follow up on a commitment that was made to them when the Genito Road Project was developed.

In response to Mrs. Humphrey's question, Mr. McCracken stated the state has set aside a specified amount of money for enhancement projects, and it will be provided to various localities within the state.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the FY2007 Enhancement Priority Project list, and authorized staff to forward it to the Richmond and Tri-Cities Metropolitan Planning Organizations for endorsement.

And, further, the Board adopted the following resolutions requesting the Virginia Department of Transportation (VDOT) approval and guaranteeing the local match for the projects:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for Chippenham/Jefferson Davis Interchange Beautification project.

BE IT FURTHER RESOLVED that the Board hereby agrees to pay 20 percent of the total estimated cost of \$350,000 for planning, design, right-of-way, and construction of the Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for the installation of streetlights along Genito Road from Fox Chase Lane to Watercove Road.

BE IT FURTHER RESOLVED that the Board hereby agrees to pay 20 percent of the total estimated cost of \$50,000 for planning, design, right-of-way, and construction of the Genito Road Streetlight Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for Phase I of the Cogbill Road Sidewalk Project from Meadowbrook High School to Meadowdale Branch Library.

BE IT FURTHER RESOLVED that the Board agrees to pay 20 percent of the total estimated cost of \$470,000 for planning, design, right-of-way, and construction of Phase I of the Cogbill Road Sidewalk Project from Meadowbrook High School to Meadowdale Branch Library, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for VSU Sidewalk along Hickory, River and East River Roads from Woodpecker Road to James Street.

BE IT FURTHER RESOLVED that the Board hereby agrees to pay 20 percent of the total estimated cost of \$225,000 for planning, design, right-of-way, and construction of the

Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for Phase II of Walton Park Road Sidewalk Project located between North Woolridge Road and Queensgate Road.

BE IT FURTHER RESOLVED that the Board hereby agrees to pay 20 percent of the total estimated cost of \$400,000 for planning, design, right-of-way, and construction of Phase II of the Walton Park Road Sidewalk Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

(NOTE: If projects are approved and funded by VDOT, staff will return to the Board with an identified source for the required match, up to a total of \$299,100).

And, further, the Board authorized the County Administrator to enter into agreements between VDOT/county/consultant/contractor, for design, environmental permit, right-of-way acquisition, and/or construction agreements, acceptable to the County Attorney, for projects approved by VDOT.

Ayes: Barber, King, Humphrey and Warren.  
Nays: None.  
Absent: Miller.

Mr. Miller returned to the meeting.

**15.E. TO CONSIDER THE APPROPRIATION OF FUNDS FOR THE ROUTE 360 (SWIFT CREEK TO WINTERPOCK ROAD) WIDENING PROJECT**

Mr. McCracken stated this date and time has been advertised for a public hearing for the Board to consider the appropriation of an additional \$10 million in anticipated Virginia Department of Transportation reimbursements for the Route 360 (Swift Creek to Winterpock Road) Widening Project.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board appropriated an additional \$10 million in anticipated

Virginia Department of Transportation reimbursements for the Route 360 (Swift Creek-Winterpock Road) Widening Project.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**15.F. TO CONSIDER AMENDING THE INTRODUCTION TO THE PLAN FOR CHESTERFIELD TO INCLUDE LANGUAGE REGARDING AFFORDABLE HOUSING**

Ms. Barbara Fassett, Community Planning Administrator, stated the state now requires that comprehensive plans include language that addresses affordable housing. She further stated a task force was formed to develop language to include in the Plan for Chesterfield. She stated this date and time has been advertised for a public hearing for the Board to consider amending the Introduction to the Plan for Chesterfield to include language regarding affordable housing proposed by the Task Force and recommended by the Planning Commission.

In response to Mr. Miller's question, Ms. Fassett clarified that the task force's intention was to have the opportunity for various housing prices with people of various incomes living in one neighborhood or community.

Mr. Miller inquired whether a developer of a high end subdivision would be required to incorporate a certain amount of affordable housing in the subdivision.

Ms. Fassett stated implementation tools have not yet been developed for the language.

Mr. Barber called for public comment.

Pastor Horace Wade, a resident of the Clover Hill District, representing RISK (Richmonders Involved to Strengthen our Communities) stated he supports amending the plan to include language for affordable housing.

Ms. Elaine Beard, representing the Le Gordon/Garnett Lane Community Civic Association, stated she agrees there should be introductory language relative to affordable housing, but feels this language is too vague. She suggested that the "shoulds" be changed to "shalls" in the language.

Mr. James Mohammed, a resident of the Bermuda District, expressed concerns regarding the income level that would be considered for affordable housing and how many units per development would be affordable for low-income individuals. He stated he would like to see that Section 3 within the Community Development Block Grant Program be implemented along with this program within the action plan of the Housing Act of 1968.

There being no one else to speak to the issue, the public hearing was closed.

In response to Mr. Barber's question, Ms. Fassett stated the language of the Comprehensive Plan is designed to be general. She further stated the task force is still functioning and

will begin researching different approaches to create tools to implement the language.

Mr. Barber noted the implementation tools will ensure adherence to the affordable housing language requirements.

Mrs. Humphrey expressed concerns relative to land use planning in the Ettrick and Walthall areas to accommodate the 7,000 military families that will be moving to this area in the next six years. She suggested that members of these communities be involved with the work of the task force.

Mr. Barber provided details of activities of the BRAC (Base Realignment and Closure) Implementation Group, which he serves on, to address affordable housing and other issues that will arise with the influx of new military families.

Mr. Miller stated he will support the proposed language, although he is concerned that the state is dictating what localities' comprehensive plans and zoning should include. He noted the county has more affordable housing than any of the other jurisdictions in the immediate area.

Mr. Ramsey stated a study by the Richmond Regional Planning District Commission indicates that Chesterfield has more affordable housing than residents who need affordable housing.

Mr. Miller stated the county has been ahead of the curve on affordable housing.

Mr. Miller then made a motion, seconded by Mr. Barber, for the Board to add the following affordable housing language to the Introduction to the Plan for Chesterfield:

"Affordable housing opportunities for homeowners and renters should be available to all who live and work in Chesterfield County. There should be an opportunity for people of various income levels to live in economically integrated neighborhoods. Affordable housing may be integrated into high density and mixed-use development projects and should be encouraged through more flexible zoning wherever possible."

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey excused herself from the meeting.

**15.G. TO CONSIDER APPROPRIATION OF FUNDS FROM THE STATE  
COMPENSATION BOARD TECHNOLOGY TRUST FUND DUE TO AN  
ADMINISTRATIVE CHANGE**

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider appropriating funds from the State Compensation Board Technology Trust Fund due to an administrative change.

Mr. Barber called for public comment.

No one came forward to speak to the issue.



On motion of Mr. Barber, seconded by Mr. King, the Board appropriated \$523,935 in Technology Trust Funds from the State Compensation Board for the Clerk to the Circuit Court due to an administrative change.

Ayes: Barber, King, Miller and Warren.

Nays: None.

Absent: Humphrey.

**15.H. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A SIXTEEN-FOOT EASEMENT ACROSS LOT 9, BLOCK K, FUQUA FARMS, SECTION E**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 16-foot easement across Lot 9, Block K, Fuqua Farms, Section E.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Miller, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to FUQUA FARMS INCORPORATED, a Virginia corporation, ("GRANTEE"), a 16' easement across Lot 9, Block K, Fuqua Farms, Section E, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 43, at Page 76.

WHEREAS, GRANTOR has identified that a portion of a 16' easement across Lot 9, Block K, Fuqua Farms, Section E, DALE Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 43, Page 76, by J. K. TIMMONS & ASSOCIATES, INC., dated SEPTEMBER 22, 1980 to be vacated. The portion of easement to be vacated is more fully described as follows:

A portion of a 16' easement, across Lot 9, Block K, Fuqua Farms, Section E, designated to be vacated on a plat by AUSTIN BROCKENBROUGH & ASSOCIATES, L.L.P., dated DECEMBER 22, 2004, and revised FEBRUARY 14, 2005, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the easement hereby vacated in the underlying property owner free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and FUQUA FARMS INCORPORATED, a Virginia corporation, or its successor in title, as GRANTEE.

Ayes: Barber, King, Miller and Warren.

Nays: None.

Absent: Humphrey.

Mrs. Humphrey returned to the meeting.

**15.I. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS AND UTILITY EASEMENTS FOR THE ROUTE 360 WIDENING PROJECT FROM ROUTE 288 TO OLD HUNDRED ROAD**

Mr. McCracken stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of right-of-way and easements for the Route 360 Widening Project from Route 288 to Old Hundred Road. He further stated staff has been working with Mr. Clem Carlisle with Brandermill Development Company to determine the impact of the county's acquisition on setbacks for his future development.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized eminent domain to acquire the right-of-way and temporary construction easements and utility easements for the Route 360 Widening Project from Route 288 to Old Hundred Road. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**15.J. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF EASEMENTS FOR HALLSLEY SUBDIVISION**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of easements for Hallsley Subdivision.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved the exercise of eminent domain for the acquisition of 30-foot permanent sewer easements and 15-foot and variable width temporary construction easements for Hallsley Subdivision, and authorized the right to enter and take such easements prior to eminent domain proceedings. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**15.K. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF OFFSITE EASEMENTS FOR HAMPTON FARMS SUBDIVISION**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of offsite easements for Hampton Farms Subdivision.

Mr. Barber called for public comment.

Mr. Harry Francisco stated he does not support eminent domain because the easement will go directly through the center of and devalue his property.

Mr. Harmon stated the proposed easement is adjacent to Hampton Park Drive Extended, which is proposed on the county's Thoroughfare Plan. Mr. Francisco's property is partially wooded and partially open. He further stated accessory buildings are located near the proposed water easement. He stated Mr. Francisco has been offered \$6,800 for his property.

Mr. Carol Foster, who will be developing the Hampton Farms property, stated the proposed road has been on the Thoroughfare Plan since 1998. He further stated there are no plans to construct the road, but he plans to install a 10-foot deep water line in a location that would not have to be extended again if the road goes through in the future. He stated he was instructed by both staff and the Virginia Department of Transportation (VDOT) where to tie in the water line. He further stated he has moved the water line away from Mr. Francisco's well so there would be no disturbance, but has been informed by VDOT that the water line cannot be placed any closer to Route 360.

Discussion ensued relative to the possibility of realignment of the water line.

Mr. Foster stated he suggested bringing the water line through the buffer between Mr. Francisco's property and

Hampton Park Subdivision, but VDOT is requiring that the water line be located within 60 feet of the proposed roadway.

In response to Mr. King's question, Mr. Micas stated VDOT cannot dictate where water lines are constructed, but they can make future road construction difficult because of the location of a water line.

There being no one else to speak to the issue, the public hearing was closed.

Discussion ensued relative to the possibility of moving the proposed water line on Mr. Francisco's property.

Mrs. Humphrey stated she does not believe moving the water line would serve the greater good because of its proximity to the proposed road and the easements that have already been acquired by the developer.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to approve the exercise of eminent domain for the acquisition of 16-foot permanent water easements and 10-foot temporary construction easements for Hampton Farms Subdivision, and authorized the right to enter and take such easements prior to eminent domain proceedings. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**15.L. TO CONSIDER ADOPTION OF AN ORDINANCE CREATING THE POWHITE PARKWAY-CHARTER COLONY PARKWAY INTERCHANGE SERVICE DISTRICT FOR ROAD CONSTRUCTION IMPROVEMENTS AT CENTERPOINTE**

Mr. Ramsey stated the Board held a public hearing on August 24, 2005 and deferred action on the creation of a transportation service district to construct the Powwhite Parkway-Charter Colony Parkway Interchange. He further stated a question has arisen recently regarding an agreement that the county entered into approximately ten years ago for the widening of Coalfield Road, indicating that staff is requesting that the Board defer the public hearing until November 22, 2005 so that the question can be addressed.

Mr. Barber called for public comment on the deferral.

No one came forward to speak to the deferral.

On motion of Mr. King, seconded by Mr. Miller, the Board deferred the public hearing to consider adoption of an ordinance creating the Powwhite Parkway-Charter Colony Parkway Interchange Service District for road construction improvements at Centerpointe until November 22, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber requested a five-minute recess.

Reconvening:

**15.M. TO CONSIDER ADOPTION OF THE FY2006 MAXIMUM PER DWELLING UNIT CASH PROFFER AMOUNT**

Mr. Allan Carmody, Budget Manager stated this date and time has been advertised for a public hearing for the Board to consider adoption of the FY2006 maximum per dwelling unit cash proffer amount. He further stated cash proffers are one of several funding sources for the county's capital improvement plan. He stated without cash proffers, the county would need to increase the real estate tax rate between \$0.07 and \$0.08. He further stated staff has calculated the cost of new development to provide capital facilities at \$17,525 per dwelling unit. He noted the average payment collected by the county is less than \$5,000 per household on those that have paid a proffer, and only seven percent of existing homes in the county have paid a cash proffer, indicating that the reason for this is the long lag times between zoning approval and the time a developer chooses to move forward with his project. He stated a recent Richmond Regional Planning District study indicates that Chesterfield has a higher percentage of affordable homes than low-income wage earners, making the county a supplier of affordable housing for the region's workforce. He further stated a recent comparison of new housing shows that Chesterfield housing costs five percent less than that in Henrico. He noted the county has a large inventory of already zoned non-cash proffer lots, exceeding 25,000 units. He stated the county offers affordable housing options, noting that many front-line county employee service providers reside in the county.

In response Mr. Miller's question, Mr. Carmody stated Henrico County does not have cash proffers.

Mr. Ramsey stated the Henrico/Chesterfield home comparison was for houses on cash proffer lots sold in Chesterfield in 2005 compared to comparable houses in Henrico.

Mr. Barber requested that speakers limit their comments to between three and five minutes. He then called for public comment.

Mr. Bill White, President of the Richmond Association of Realtors, expressed concerns relative to the impact of a cash proffer increase on the quality of life in the county. He stated each cash proffer increase pushes homeownership further out of the reach of individuals and families who would like to call Chesterfield home. He stated these home buyers will move outward to more affordable jurisdictions, which will perpetuate sprawl, increase traffic congestion and place additional strain on the county's infrastructure. He further stated there is no question that the county has pressing infrastructure needs that are exacerbated by state budget challenges. He urged the Board to strike a fair balance between housing opportunity and quality of life. He stated housing affordability is a real issue confronting major metropolitan areas, and the county must provide a variety of housing options for its workforce. He further stated pricing core workers, such as teachers, firefighters, police officers and others out of the market will have long-

term detrimental affect on the economy and character of the county. He expressed concerns that, in deciding whether or not to locate in the county, businesses will be concerned about adequate housing opportunities for their workers. He requested that the Board seriously consider its decision regarding the cash proffer increase, indicating that if the increase is approved, Chesterfield will have the fifth highest proffer amount of all Virginia localities and its housing market will be changed in the long run. He urged the Board to reject the dramatic cash proffer increase in lieu of preserving housing affordability for the workforce, children and others who want to experience what Chesterfield has to offer.

Ms. Brenda Stewart stated if there is evidence that there has been an error in the data used to compute the recommended cash proffer increase, or if there is evidence that there is a flaw in the methodology that has been used to compute the affect of new construction on infrastructure needs, then these are the issues that need to be addressed. She suggested that the Board commit to holding a separate public meeting for all interested stakeholders to voice their concerns about the short and long-term effects of the county's cash proffer policy and address the need for reduced and responsible spending for alternative sources of cash for infrastructure; the impact of the proffer policy on the price of real estate and on the real estate assessments; the need for equalization of the real estate tax burden by examining the number of parcels in the county with unchanged values for years on end and the adequacy and efficiency of the current real estate assessment processes, especially as related to commercial real estate.

Mr. Jonathan Brown, Executive Director of the Partnership for Workforce Homes, stated he is opposed to the dramatic increase in cash proffers because many essential workforce members are already priced out of the market. He expressed concerns that the rapid increase in home prices is outpacing that of the workforce's incomes by nearly 100 percent. He also expressed concerns relative to housing cost burdens of the homeowners as well as renters in the county, indicating that 24 percent of homeowners and 50 percent of renters are paying 30 percent or more of their income on housing. He stated the proposed cash proffer increase threatens to exacerbate all of these problems and requested that the county examine more critically the effect of the cash proffers on home prices. He further stated the Partnership for Workforce Homes recommends that the county more critically examine the most current data on long-term demographic trends and create broad based revenue streams to pay for county services and not rely so heavily on cash proffers which run the risk of significantly decreasing housing affordability.

Mr. Jim Napier, also representing the Partnership for Workforce Homes, expressed concerns that increasing the cash proffer will pose a significant long-term threat to the quality of life for county citizens. He stated the entire country is experiencing a housing affordability crisis. He further stated the cash proffer increase will inflate the cost of housing overall and expressed concerns that many teachers, firefighters, police officers and other government employees are unable to qualify for a housing loan on a

single income. He stated, in order to remain the vibrant community that Chesterfield has become, the Board must plan for and be mindful of the need for a long-term supply of affordable housing. He further stated the county's infrastructure needs should be addressed with broad based revenue sources rather than relinquishing the cost on the backs of our workforce. He requested that the Board carefully consider alternatives to increasing cash proffers as a way to pay for services.

Mr. Fred Demay, a Matoaca District resident, expressed concerns that excessive growth has resulted in the need to increase county services. He stated, although he supports growth paying for services, he believes the proposed \$5,500 cash proffer increase will be added to the cost of new housing by contractors, which will result in increased real estate assessments of existing homes. He further stated the cash proffer increase represents a continuing burden on the already overtaxed Chesterfield homeowner. He requested that the Board renew a commitment to eliminate excessive government spending and suggested that the county reduce real estate assessments by the same dollar amount as the increased cash proffer. He stated the county owes it to the current taxpaying citizens not to burden them with double taxation by increasing the cash proffer and then taxing the higher assessed property value.

Mr. Charles Stonestreet, a resident of the Dale District, stated he does not want to pay increased taxes because of cash proffer increases for the homes of others.

Mr. Slugger Morrisette expressed concerns that cash proffers are not voluntary - they are taxes. He stated the average new home price in the county is currently \$324,000, indicating that the county has done away with affordable housing. He expressed concerns that cash proffers that have been in existence in the county for 15 years has done nothing to address the county's infrastructure needs, indicating that more mobile units have been added at the schools every year. He stated cash proffer increases on new homes will cause the assessments on existing homes to increase. He expressed concerns that the majority of the mobile homes on school property will not pass the Building Code.

Mr. Steve Erie, Chairman of the Chesterfield Business Council, stated he opposes the increase in cash proffers, indicating that cash proffers have a disproportionate financial impact on homebuilders and new home purchasers and also lead to the unintended consequence of rising residential assessments for all and lack of affordable housing for many. He provided the Business Council's recommendations for managing residential growth in the county: 1) grow the business community; 2) compress public expenditures wherever possible; and 3) raise new revenues to pay for growth.

Ms. Debbie Girvin, President of the Chesterfield County Chamber of Commerce, stated she supports a deferral of the decision to increase the cash proffers for at least a period of six months and requested that during this time, the county hire an independent source to conduct a study of both the negative and positive impacts of increasing the cash proffers. She further stated the Chamber of Commerce believes cash proffers will unfairly impact purchasers of new

homes on proffered lots, as well as pass on unintended consequences to all homeowners. She stated the Chamber would support a more broad-based approach to funding capital needs than just cash proffers alone. She further stated the county must create new initiatives to further support the growth of existing business and attract new business, indicating that an Economic Development Task Force should be created consisting of county staff and business leaders from key business organizations to assist the county in support of its strategic goal of a 25 percent business tax base. She stated the identification of additional tax revenue or funding methods is important to closing the funding gap and requested that the Board of Supervisors support the formation of a funding strategies work group to explore the feasibility of these methods and to make recommendations. She urged County Administration to examine the budget and seek ways to minimize or eliminate unnecessary expenditures.

Mr. Charles Goyne, a Walton Park resident, stated he believes taxes would increase without cash proffers to pay for the new schools, services and infrastructure required by growth. He further stated the proposed \$17,000 cash proffer may not be high enough since many lots are grandfathered from paying cash proffers. He noted that new homes built today have the same affect on the county's resources, whether or not they were zoned prior to cash proffers. He stated builders are building in Chesterfield because of our excellent school system, communities and county services. He requested that the Board approve the cash proffer increase and consider other measures to stop the loopholes builders are currently using to circumvent the payment of cash proffers.

Ms. Kathy Kirk inquired which infrastructure category the Board will tell citizens they must do without if the cash proffers are not increased as recommended by staff. She stated the cash proffer policy represents one of the county's growth management strategies. She further stated the transportation crisis is unprecedented and unexpected, and a sustainable plan must be formulated to meet this challenge. She urged the Board to support its policies at this time and do nothing to add to the public's confusion regarding possible tax increases and cash proffers. She stated addressing any short-term infrastructure concerns should not eliminate, reduce or alter a long-term funding source for the county. She further stated if the Board decides not to approve the full amount recommended by staff, then unmet infrastructure needs will be piling up that may necessitate future public funding, and the Board will be agreeing to accept lower service levels for vital government services. She stated if the Board chooses to defer action, then they should also commit to deferring actions on any zoning applications filed from this date forward until action is taken on the proposed cash proffer increase. She requested that before the Board considers asking residents for more money to offset high proffers, they strongly suggest to the development community to call off lobbyists at the General Assembly and support the imposition of impact fees, which could eliminate proffers from zoning cases altogether and redistribute the rising infrastructure cost to all future development. She stated solutions in the cause to manage growth will never be advanced when stakeholders employ scare tactics that distort real issues and facts.



Mr. Tyler Craddock, representing the Homebuilding Association of Richmond, stated he fully supports the recommendations of the Growth Strategies Work Group and is committed to work with all interested parties to pursue implementation of the work group's recommendations.

Mr. Bill Hastings, a resident of the Matoaca District, stated he believes the dilemma is that of infrastructure cost versus affordable housing. He expressed concerns relative to the difficulty for teachers, nurses, policemen and other service providers to afford housing. He requested, if the Board must increase the cash proffer, that it not be increased as much as staff has recommended.

Mr. Dave Anderson, a Midlothian District resident, stated he agrees that there are rising costs of government, but inquired whether they are rising as a result of the demands of citizens. He referenced the \$20 million Community Development Building currently under construction and stated the Board makes choices daily that can be costly to the county. He expressed concerns that the county would reduce the real estate tax rate and then raise cash proffers to handle the cost of growth. He requested that the Board look at long-term solutions rather than quick fixes by evaluating county expenses. He suggested that the Board immediately move forward with a diligent effort to bring about a meaningful change to the comprehensive plan and prepare for inevitable growth, and that the Board do everything possible to learn what is being done elsewhere in the country to make strides in managing growth.

Mr. Conaway Hastings, a resident of the Matoaca District, stated he supports the proposed maximum cash proffer of \$17,000. He further stated he does not think the increased proffers will create problems for new homebuyers or for economic development. He stated owning a home is the "American Dream," but owning a new home in a big subdivision is a luxury. He further stated consumers who can afford to purchase new homes make their decisions on factors other than the cash proffers. He stated the \$17,000 cash proffer will allow for more strategic growth management by slowing the rate of residential development and leave more land potentially available for commercial uses, as well as send a message that Chesterfield is a valuable place to live with standards that need to be upheld. He further stated cash proffers give the Board another tool to finance the county's actual needs, maintain the high quality government management we have in Chesterfield, and continue the status as a "First Choice" community.

Mr. Reuben Waller, a resident of the Midlothian District, stated he thinks the county has done a good job of managing growth to date, indicating that of the five proffered items, all but roads appear to be manageable or becoming manageable. He further stated he believes the issue of roads provides grounds for a deferral to assess what the citizens desire and what they are willing to pay for by one funding means or another. He stated other issues which should be considered as grounds for a deferral include the policy of allocating cash proffers to one segment as has appeared in several zoning cases, with the potential for inadequate funding of the other four proffered items; decreasing the 19 traffic sheds to create "super sheds" that would provide for more

efficient use of the proffer dollar; continuing to improve communications and education of citizens as to dollars being proffered for roads; reviewing the school proffer issue to ascertain whether there is any artificial crowding of selected schools by putting too many special programs in one school; more efficient use of school assets by better redistricting; and the impact of the Upper Swift Creek Plan revision and a proposed private treatment plant.

Ms. Julie Sylvester stated the reason houses cost so much is because people are willing to pay whatever builders charge for upgrades and amenities, regardless of what they actually cost. She expressed concerns that the Homebuilders Association has indicated a \$15,000 cash proffer will actually cost a consumer \$60,000. She stated there are plenty of lots to be built on in the county that are not subject to cash proffers and there are plenty of affordable houses for the working class family. She expressed concerns relative to school overcrowding and stated she would love to see more commercial growth to help pay for schools. She further stated, until there is additional business growth in the county, she supports cash proffers to help pay for infrastructure needs.

Mr. Eddie Parker expressed concerns that, when development does not pay its way, citizens will be required to pay for the impact of new development. He stated he supports cash proffers, but believes the county must find a way to protect the tax base of its current residents. He suggested that the county consider impact fees rather than cash proffers and stated the Board needs to find a way to make builders absorb the fee rather than it being passed on to the consumer. He stated he also likes the idea of reducing the tax rate on existing homes.

Mr. Brian Regrot, a Brandermill resident, stated he feels impact fees would be much better than cash proffers. He further stated he supports new residents paying for the services they will demand. He stated cash proffers do not drive up the price of houses in the county - demand does. He requested that the Board increase the cash proffers as suggested by staff to fund the county's infrastructure needs.

Ms. Shelly Schuetz stated, when she bought her new home she thought her home and the taxes she would be paying would provide for infrastructure. She suggested that the Board consider an increased tax rate on new home construction that would last for ten years. She also suggested that the Board encourage revitalization because it encourages residents to stay in their homes to reinvest in property they have already purchased and also encourages others to move into older homes. She expressed concerns relative to the number of already approved lots that will not be paying a cash proffer and inquired how the county will fund infrastructure needs generated by new residents on these lots.

Ms. Marleen Durfee, Executive Director of the Task Force for Responsible Growth, stated the cash proffer only partially mitigates the impact of development. She further stated the county has collected \$30 million since inception of the cash proffer policy, but has only appropriated \$18.9 million. She expressed concerns that the demand for facilities and services from development is far greater than the proffers

can provide. She stated the recommended 47 percent increase reflects the real cost calculated by staff using the county's cash proffer methodology. She noted that, in two of the last five fiscal years, there was no cash proffer increase, indicating that if you include a 47 percent increase for FY2006, the average cash proffer for the past five years would be approximately 19.5 percent. She expressed concerns that the General Assembly has not adopted legislation relative to adequate public facilities impact fees for localities, indicating that until impact fees are available, the county must use its most valuable growth management tool, the Comprehensive Plan, to determine and guide sustainable development patterns. She stated the task force supports strong land use transportation plans, growth policies and procedures so that the balance of residential and commercial development is achieved. She further stated the legislative delegation has indicated no support for a one-cent tax increase, and she believes the county should stand by its cash proffer policy.

Ms. Andrea Epps stated the quality education offered in the county is paid for by cash proffers. She further stated supply and demand motivates and determines house prices. She noted the Realtors Association has reported an increase of more than \$44,000 in home sale prices within the last year, indicating that the county did not increase its cash proffer in the last year. She stated the purpose of cash proffers is not to slow growth, but to offset the cost of providing facilities to residents of new homes. She further stated the cash proffer policy is the county's means to provide for infrastructure needs. She expressed concerns relative to the confusing message presented to residents by the Homebuilders Association. She requested that the Board explore the creative options discussed at the Growth Strategy Work Sessions and increase the cash proffer as recommended until alternate funding can be recommended. She noted the county has the third largest school age population in the state, with 64,208 school age students, indicating it is not unreasonable to think that the county should have the third largest cash proffer fee until another means can be found to fund facilities.

Mr. William Shewmake expressed concerns that the Homebuilders Association did a disservice to the Board of Supervisors by providing unfair and inaccurate information to county residents. He stated the county has a healthy growth rate, but the problem is where the growth is occurring. He expressed concerns relative to the need for differential cash proffers, indicating that flat cash proffers encourage people to purchase property in the western portion of the county where the land is less expensive. He stated he believes the county will be hurt economically by increasing cash proffers in infill areas. He expressed concerns that the cost of new homes is being undervalued using the county's methodology for calculating the cash proffer for schools. He suggested that the county ensure adequate valuation of new homes, indicating that home values are skyrocketing and the county is behind on its assessments. He stated he believes there will be a huge influx of additional revenue in six months as a result of increased assessments. He expressed concerns relative to flaws in the methodology used for calculating the schools and transportation proffers. He suggested that the Board defer the decision to increase the cash proffer because of

increased assessments and the need to look at the methodology being used to calculate the proffers.

Mr. Bob Herndon stated he believes the county needs to maximize its funding sources and revenue from those funding sources. He expressed concerns relative to overspending, indicating that before asking for more money from citizens, the county needs to demonstrate that good use is being made of the revenue currently received and that previous funding sources have been maximized.

Ms. Mandy Wilson stated she supports the proposed cash proffer increase because counties must have a minimum source of income in order to fund minimum public services. She further stated increased sales and property tax rates would be bad for senior citizens and lower income families. She provided details of the cost of comparable new homes in Henrico, Chesterfield and Goochland, and stated it is a myth that higher proffers will cause Chesterfield homes to cost too much. She stated better roads, schools and other infrastructure raise housing values. She expressed concerns that county schools are over capacity and its dangerous roads need to be improved, indicating that the cash proffer should be increased to \$17,000 so that new growth will pay for the infrastructure it will require.

Ms. Ruth Wall, a resident of Bradley Bridge Road, stated she does not want her taxes to increase.

There being no one else to speak to the issue, the public hearing was closed.

Mr. Warren thanked the Task Force for Responsible Growth and other organizations who are concerned about protecting the county's quality of life by addressing future infrastructure needs. He stated cash proffers are an integral part of the county's financial structure and the staff annually reviews the cost of services and applies the methodology to cash proffer costs, indicating that he supports staff's recommendation to increase the cash proffer to \$17,000.

Mr. Miller expressed appreciation for the exemplary input at the public hearing. He stated he has never been more disappointed in an organization than with the Homebuilders Association's mailings. He further stated he believes the mailing were calculated to confuse and instill fear in residents, particularly elderly residents living in affordable housing on a fixed income, indicating that this is totally unacceptable. He suggested that the Homebuilders Association join the county on an impact fee approach. He stated he has never believed that cash proffers were a growth strategy tool, but a mechanism to lessen the impact of new development. He further stated, at \$17,000, the cash proffer is not fully financing the total impact of new development. He stated the affordable housing issue that has been raised regarding the cash proffer increase is a "red herring" because the county has more affordable housing than most other jurisdictions. He stated Henrico County does not have nearly as many students as Chesterfield, which impacts their budget and is the reason their tax rate is lower than Chesterfield's. He further stated there is little or no hope that the Virginia Department of Transportation is going to provide road funding for the county. He stated people want

to live in Chesterfield and there is plenty of affordable housing. He further stated the market drives the price of housing, and builders are going to build to the market. He stated he would prefer impact fees, but until that is possible, cash proffers should be looked at as a means to continue the policy to help growth pay for itself. He further stated he might be inclined to phase in the increase over a couple of years. He stated the county must protect its limited resources, and he does not believe a one-cent sales tax increase or meals tax makes sense.

Mrs. Humphrey stated the Board has a duty, through its financial decisions, to maintain the county's AAA bond rating. She further stated differential cash proffers have merit that should be discussed in Chesterfield. She stressed the importance of impact fees and implored the homebuilding industry work with the county to explore impact fees. She stated Chesterfield cannot always be compared to Henrico, indicating that Henrico has its own road system, 18,000 fewer school students and a lower tax rate. She further stated there will always be school and road needs. She suggested that staff evaluate traffic patterns and explore the possibility of condensing traffic sheds to yield more dollars and start new transportation projects sooner. She stated she is most concerned with the transportation component of cash proffers in a proper formula, indicating that there is a financial plan for schools.

Mr. King stated he understands the need for the county to have a handle on government growth and spending. He further stated many localities view Chesterfield as a model for a well managed government. He referenced the issues of property value appreciation and provision of adequate services, indicating that it would be much worse for property values to be decreasing with less services being provided. He stated, in his mind, cash proffers are, without a doubt a tax because anytime a service is performed by a citizen and a fee collected for it, it is a tax. He stated there is no evidence to support whether or not cash proffers will impact assessments. He further stated approval of a one percent sales tax increase is highly unlikely. He stated he will defer to the knowledge of staff, indicating that there is a tremendous amount of validity to the process that is currently in place. He further stated there may be some flaws to the process, and he is willing to review the process. He stated, although it is a tax, he will support the cash proffer increase because services should be paid for by users, indicating it is unfortunate that others may be affected.

Mr. Barber stated the Homebuilders Association letter, which was intentionally designed to appear as a letter from the county notifying residents of a tax increase, is absolutely inexcusable. He further stated there is no difference in the ultimate price of homes on proffered lots and unproffered lots in the county. He stated cash proffers offer relief to the tax rate that everyone pays and have nothing to do with the ultimate home price. He further stated no one has approached him during his time on the Board of Supervisors, indicating that they wanted to build affordable housing. He stated the county has very few tools to generate revenue to pay for infrastructure, other than the sale of bonds and cash proffers. He further stated the county has no partners in

the fight for impact fees from the General Assembly. He stated, when the number of lots without cash proffers diminishes, he anticipates the county will be successful in being granted the authority for impact fees rather than cash proffers. He further stated staff has provided a good cash proffer formula, which is applied as the law dictates. He stated the Growth Strategies Work Group included various citizen representatives, and he thought there was honest dialogue between members of the group, including representatives of the Homebuilders Association. He stated he is very disappointed by the deceitful advertisements and mailings of the Homebuilders Association. He further stated the committee looked at various options for funding infrastructure needs, indicating that the legislative delegation was not supportive of a one-cent sales tax increase. He stated the work group discussed a joint study by an independent consultant, funded by both the Homebuilders Association and the county, to look at cash proffers both short and long term. He expressed concerns that, with the current trust level, he does not know whether the county can partner with the homebuilders on such a study. He stated changes have been made in the county's economic development effort and has engaged the Business Council and the Chamber of Commerce to look at what can be done to enhance the benefits of economic development. He further stated some people have requested that the cash proffer issue be deferred for a period of time, but he does not think the Board has an option to defer the issue in its entirety. He expressed concerns relative to issues that arose in the work group discussions concerning alteration of the school cash proffer formula.

Mr. Barber made a motion for the Board to increase the cash proffer amount to accommodate the entire road, parks, library and fire station portions and defer the school portion until just after the budget is adopted to give staff the opportunity to more completely survey data relative to school age children in homes across the county, to interact with members of the committee who raised issues.

Mr. Barber requested that staff thoroughly explain the school methodology to those who have questions. He stated it is his understanding that the cash proffer would increase to \$15,648 as proposed minus the school portion, and that the increase of the school portion would be considered in April 2006.

Mr. Warren seconded Mr. Barber's motion.

Mr. Miller inquired whether Mr. Barber would be willing to phase in the \$15,648 cash proffer amount.

Mr. Barber stated his motion was to adopt the \$15,648 cash proffer amount immediately.

Mr. Ramsey suggested that the Board consider the school portion of the cash proffer in May 2006, which would be the typical time for the cash proffer to be reviewed, and that the cash proffer amount to address roads, libraries, fire stations and parks be rounded to \$15,600.

Mr. Miller expressed concerns relative to increasing the cash proffer all at once by 35 percent.

Mr. Barber noted the Board did not increase the cash proffer amount last year.

Mr. Carmody stated the cash proffer increase has been as high as 24 to 35 percent range, and if approved, this will be the largest increase.

Mr. King inquired whether the reason staff has suggested a 47 percent increase is because the Board did not adopt the full cash proffer increase when asked to do so in 2004.

Discussion ensued relative to cash proffer formula changes recommended by staff.

In response to Mr. King's question, Mr. Barber stated the Board could adopt a cash proffer higher than \$17,000 after review of school data.

Mr. King stated the intent of cash proffers is to meet the needs of the infrastructure, and he does not want education left out.

Mr. Barber clarified that he does not intend to reopen the public hearing when the Board considers the school portion of the cash proffer in May 2006.

Mr. Warren commended Mr. Barber for spearheading the work group on such a difficult subject and for recognizing the credibility of staff's methodology. He stated deferring the school portion will provide a mechanism for future evaluation of the educational portion for next year.

Mr. Barber called for a vote on his motion, seconded by Mr. Warren, for the Board to adopt the FY2006 maximum per dwelling unit cash proffer amount of \$15,600, to address the impact of new development on schools, roads, fire stations, libraries and parks; and to defer consideration of changes in the schools calculation methodology of the FY2006 maximum per dwelling unit cash proffer until May 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

## **16. ADJOURNMENT**

On motion of Mr. Miller, seconded by Mr. Barber, the Board adjourned at 12:17 a.m. until October 26, 2005 at 4:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

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Lane B. Ramsey  
County Administrator

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Edward B. Barber  
Chairman

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